

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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GROWTH MANAGEMENT ACT AND COMPREHENSIVE PLANNING FREQUENTLY ASKED QUESTIONS

WHY IS THE CITY PLANNING FOR MORE GROWTH ON MERCER ISLAND?

The state’s Growth Management Act (GMA) requires cities to accommodate a certain amount of additional growth over the 20-year planning horizon from 2015 to 2035.

State law (RCW 36.70A.115) says: “Comprehensive plans and development regulations **must provide sufficient land capacity for development.**

Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations **provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth**, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, **as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.**” (Emphasis added)

HOW MANY ADDITIONAL PEOPLE IS THE CITY REQUIRED TO ‘ACCOMMODATE’, OR PLAN FOR?

Mercer Island’s projected population growth is approximately 5,900 additional people between 2006 and 2035. The starting year of 2006 is used rather than 2015 because several earlier amendments to State law delayed the requirement to update Comprehensive Plans. Therefore, growth that actually occurred between 2006 and 2015 needs to be considered in planning to 2035.

The City needs to plan for housing an additional 2,320 households between 2006 and 2035. Mercer Island has averaged 2.54 people per household. In 2010, Mercer Island had 22,699 people. By 2019, the City’s estimated population grew 7.8% to 24,470. The GMA does not require that the housing units actually be built; only that the City’s zoning allows the required additional number of housing units to be built.

HOW MUCH RESIDENTIAL GROWTH HAS OCCURRED BETWEEN 2006 AND 2020?

Approximately 1,150 housing units (net) have been permitted from 1-1-06 to 12-31-22. “Net” housing units does not include new homes built to replace demolished homes. The total of “net” housing units

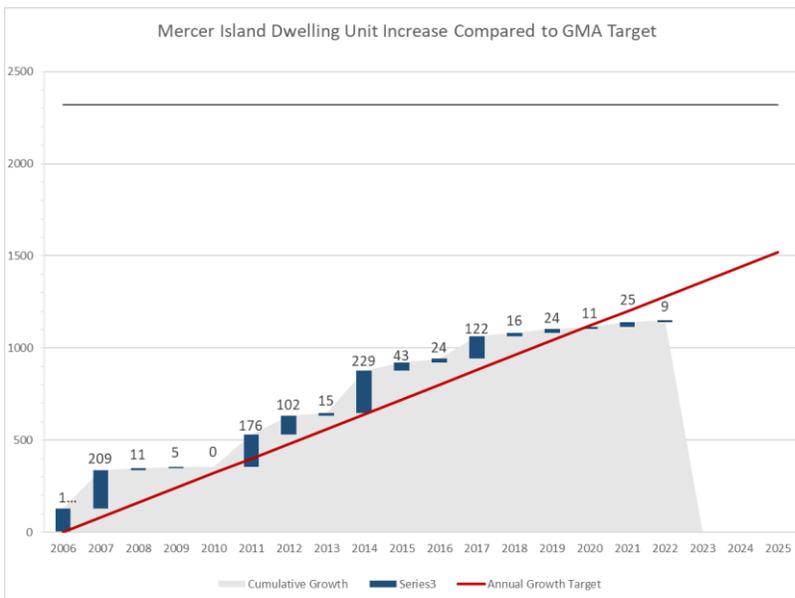
Year	SF	SF Demo	SF Net	MF	MF Demo	MF Net	ADU	TC	Totals
2006	59	-46	13	0	0	0	4	112	129
2007	58	-50	8	0	0	0	7	194	209
2008	34	-25	9	3	-5	-2	4	0	11
2009	14	-13	1	0	0	0	4	0	5
2010	20	-21	-1	0	0	0	1	0	0
2011	25	-24	1	0	0	0	9	166	176
2012	25	-20	5	6	0	6	5	86	102
2013	57	-45	12	0	0	0	3	0	15
2014	61	-43	18	0	0	0	2	209	229
2015	60	-40	20	18	0	18	5	0	43
2016	73	-52	21	0	0	0	3	0	24
2017	81	-54	27	89	0	89	6	0	122
2018	47	-40	7	0	0	0	9	0	16
2019	35	-21	14	0	0	0	10	0	24
2020	18	-19	-1	0	0	0	12	0	11
2021	27	-14	13	0	0	0	12	0	25
2022	21	-20	1	0	0	0	8	0	9
TOTAL	715	-547	168	116	-5	111	104	767	1150

Legend:

- SF = # of new single-family homes permitted
- SF Demo = # of single-family home demolition permits issued
- SF Net = SF minus SF Demo
- MF = # of new multi-family units permitted
- MF Demo = # of multi-family units demolition permits issued
- MF Net = MF minus MF Demo
- ADU = # of accessory dwelling unit permits issued
- TC = # of new multi-family units permitted within the Town Center
- Totals = SF Net + MF Net + ADU + TC

includes accessory dwelling units. The chart below shows the City’s cumulative net housing unit growth compared to the annualized GMA target since 2006. The City has achieved 50% of its 2035 housing target in 57% of the growth planning period (2006-2035).

HOW MANY HOUSING UNITS ARE LEFT TO BE



BUILT TO ACHIEVE OUR 2035 TARGET?

The difference between Mercer Island’s 2035 housing growth target (2,320 units) and growth between 2006-2021 (1,150 units) is 1,170 housing units. The City must have adequate zoned capacity for these housing units to be built.

DOES THE CITY’S ZONING ALLOW FOR CONSTRUCTION OF 1,179 MORE HOUSING UNITS?

Yes. In the 2021 Urban Growth Capacity Report, King County estimated that Mercer Island has capacity for 1,429 additional housing units.

HOW/WHERE WOULD THE CITY ACCOMMODATE THE REQUIRED ADDITIONAL GROWTH?

The City can accommodate the required additional growth without changing the allowed ‘densities’, or number of houses and units that are currently allowed. Outside of the Town Center, in the single-family zones, the zoning has changed very little since City incorporation in 1960. Conversely, in the Town Center zoning has changed since the

enactment of the GMA in 1990 to accommodate most of the required growth. It is anticipated that most future growth will continue to occur in the Town Center.

HOW MUCH GROWTH HAS OCCURRED IN THE TOWN CENTER?

Since 2006, there have been 878 new housing units permitted within the Town Center and the surrounding multi-family zones, which represents 76% of all growth in the City since 2006.

CAN MERCER ISLAND CHOOSE NOT TO PLAN FOR ADDITIONAL GROWTH?

No. RCW 36.70A.040 requires certain counties (including King County) and the cities within the county to comply with GMA, including planning for growth.

CAN MERCER ISLAND CHOOSE TO NOT ACCEPT ADDITIONAL GROWTH?

See the answer to “Why is the city planning for more growth on Mercer Island?” on the first page of this document.

HOW AND WHEN WERE THE GROWTH TARGETS ESTABLISHED?

The current growth targets for the period of 2011-2031 were adopted by the King County Council upon the recommendation of the Growth Management Planning Council (GMPC). These targets were originally adopted in 2009 as amendments to the King County Countywide Planning Policies (KCCPP) and re-adopted as part of the 2012 KCCPP. The KCCPP amendments were ratified by King County and the 39 cities within King County, including Mercer Island.

In 1992, Mercer Island agreed to adoption of the initial KCCPP, which included agreement to share population growth among all King County jurisdictions. This commitment continues today. The current (2012) KCCPP state: “The pattern of growth within the Urban Growth Area implements the Regional Growth Strategy through allocation of targets to local jurisdictions. The targets create an obligation to plan and provide zoning for future potential growth, but do not obligate a jurisdiction

to guarantee that a given number of housing units will be built or jobs added during the planning period.” This is a key point—the City’s obligation under the GMA is to ensure that our zoning has sufficient capacity to allow for our housing allocation, not that it actually be built out. That depends on the market rather than the City.

IF THE GROWTH TARGET IS FOR 2006-2031, WHY IS THE CITY PLANNING FOR GROWTH TO 2035?

The GMA requires planning for a 20-year period. That 20-year period was to have been 2011-2031, when the State deadline for updating Comprehensive Plans was 2011. Since that deadline was delayed to 2015, the City needs to plan for growth to 2035.

WHEN WILL NEW GROWTH TARGETS BE ADOPTED?

King County established new growth targets with adoption of updated KCCPPs in late 2021. The City Ratified the KCCPPs in March 2022. These new targets will be used in the next periodic review of Comprehensive Plan, due in June 2024.

CAN THE ADOPTED GROWTH TARGETS BE CHALLENGED?

The time to formally challenge the current KCCPP growth targets has long passed. If the City Council wants to reduce the target allocated to the City, a letter could be sent to the GMPC requesting a reduction in the targets. The GMPC would then determine whether to process the request. If Mercer Island’s growth target was reduced, the King County Council would need to adopt a KCCPP amendment to allocate that growth to other cities in King County. As noted, they would rely upon the review and recommendation of the GMPC.

Reducing the City’s growth targets would not only require GMPC and King County Council approval, but the approval (or “ratification”) by 30% of King County jurisdictions representing 70% of King County’s population.

WHAT IS THE GMPC?

The GMPC consists of the King County Executive, five members of the King County Council, four

elected officials from the City of Seattle, and seven elected officials from other cities in King County. Mercer Island City Councilmember Salim Nice serves as an alternate on the GMPC.

COULD THE CITY COUNCIL UNILATERALLY REDUCE THE CITY’S GROWTH TARGET WITHOUT THE REVIEW OR APPROVAL OF THE GMPC AND KING COUNTY?

The Council cannot alter the target itself, although it could unilaterally reduce the amount of growth accommodated in the comprehensive plan to a level below the target assigned by the KCCPP. The City’s growth target number is 2,320 housing units. If the Council took such action, Mercer Island could be out of compliance with the KCCPP and therefore out of compliance with the GMA.

WHAT ARE THE CONSEQUENCES OF NON-COMPLIANCE WITH GMA?

State agencies that help local governments finance infrastructure, such as sewer and water systems, community centers or roadways, consider GMA compliance when making award decisions for grants and loans. The Public Works Trust Fund, the Centennial Clean Water Fund, the Drinking Water State Revolving Fund, and the Hazard Mitigation Grant program all address compliance with the GMA for access to their funding programs. The Recreation and Conservation Office grants an additional point in the scoring process for local governments that are in compliance. The Department of Commerce checks GMA compliance for the purposes of grants and loans for agencies that use this information in their funding decisions.

In addition, the Governor could have sales tax, fuel tax, and liquor taxes withheld. Real Estate Excise Tax collection could also be temporarily rescinded. This would be in addition to any legal challenges filed for non-compliance.

If the City makes a final, legislative decision to not accept and plan for the housing growth that is allocated to it, especially when following the process laid out in advance, the City’s decision may be appealed to the Growth Management Hearings

Board (GMHB), either by the regional/affected jurisdictions, special interest groups or stakeholders, or potentially even by the state. Defending a petition for review before the GMHB would be something the City Council would need to be prepared for when making any decision. Those appeals can be quite lengthy, time consuming, and expensive.

If the GMHB were to find the City’s action is non-compliant, it could remand the noncompliant plan or code to the City for further work. The GMHB also has the authority to invalidate the non-compliant plan or code and to recommend to the Governor that financial sanctions be imposed.

If the City declines to take an action required by the GMA, such as the periodic update of its comprehensive plan, it could be subject to a “failure to act” appeal to the GMHB. In such a circumstance, invalidity would not be an issue, however a finding of noncompliance would jeopardize the grant funding mentioned above or potentially result in the imposition of financial sanctions.

HAS A GOVERNOR EVER IMPOSED FINANCIAL SANCTIONS ON A NON-COMPLIANT LOCAL GOVERNMENT?

Yes. In 1996, Chelan County’s continued noncompliance with the GMA prompted the Governor to withhold the county’s portion of the motor vehicle fuel tax.

HOW OFTEN CAN THE CITY AMEND THE COMPREHENSIVE PLAN?

Cities are required to update their comprehensive plan every eight years to account for any changes to the law or any new assigned targets. However, they also have discretion to amend all or portions of their plan (such as the Town Center subarea) on an annual basis or more frequently as allowed by the GMA. So long as the comprehensive plan maintains the capacity to accommodate the assigned growth target, the City is free to amend any of the details of the plan, or development regulations, as it sees fit. For example, changes to permitted use mixes or densities, building forms, or capital improvement priorities.

WHAT CAN THE CITY DO ABOUT THE IMPACT OF GROWTH ON OUR SCHOOLS AND OTHER PUBLIC FACILITIES?

The City can collect impact fees authorized by the Growth Management Act or mitigation fees under the State Environmental Policy Act. The City Council adopted impact fees to help fund new schools and parks in 2015 and traffic improvements in 2016.

Since the City began collecting impact fees, new development has paid just over \$1.3 Million, allocated as follows:

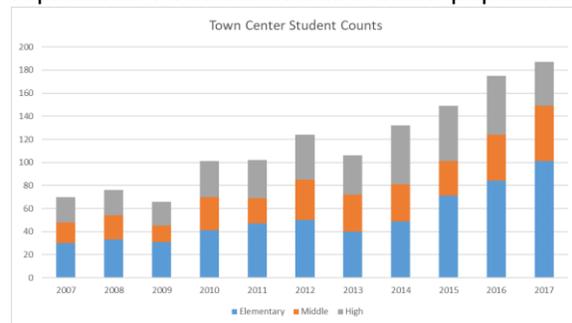
IMPACT FEES COLLECTED				
Year	Schools	Parks	Transportation	
2016	\$ 268,239	\$ 32,864	\$ 50,466	
2017	\$ 397,692	\$ 62,673	\$ 237,384	
2018	\$ 55,987	\$ 21,067	\$ 66,283	
2019	\$ 74,931	\$ 33,702	\$ 63,696	
TOTAL	\$ 796,848	\$ 150,306	\$ 417,829	

HOW MANY SCHOOL CHILDREN LIVE IN THE TOWN CENTER?

According to the Mercer Island School District, there are 187 students attending District schools in the 2017-2018 school year living in the Town Center:

- Elementary: 101 students
- Middle: 48 students
- High: 38 students

As shown in the chart below, student population in the Town Center has increased as expected with the construction of new multi-family housing in the Town Center. Total enrollment in 2017 was 4,623 students. The Town Center student population represents 4% of the overall student population.



Source: Mercer Island School District, May 2018

GMA ACRONYMS

The following is a list of acronyms commonly used in conjunction with the Growth Management Act:

DU: Dwelling Units

GMA: Growth Management Act

GMHB: Growth Management Hearings Board

GMPC: Growth Management Planning Council

KCCPP: King County Countywide Planning Policies

OFM: Washington State Office of Financial Management

PSRC: Puget Sound Regional Council

RCW: Revised Code of Washington

WAC: Washington Administrative Code